

JAP:DMP

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M12-0398**

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UNITED STATES OF AMERICA

COMPLAINT AND APPLICATION  
FOR ARREST WARRANT

- against -

M. No. \_\_\_\_\_

TIMOTHY WAYNE,

(T. 18, U.S.C., §§  
2252(a)(2) and 2252(b)(1))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS.:

ROBERT MANCENE, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about and between August 28, 2011 and March 2, 2012, within the Eastern District of New York, the defendant TIMOTHY WAYNE did knowingly and intentionally receive visual depictions that had been shipped or transported in or affecting interstate or foreign commerce, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1)).

The source of my information and the grounds for my belief are as follows:<sup>1</sup>

1. I have been employed as a Special Agent of HSI and its predecessor agencies since 1996 and am currently assigned to the New York Office, Child Exploitation Group ("CEG"). I have gained expertise in the conduct of such investigations through training in seminars and classes, daily work related to conducting these types of investigations, the execution of numerous search warrants including those relating to child pornography offenses, and through the subsequent prosecution of offenders.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements

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<sup>1</sup> Because the purpose of this affidavit is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

attributable to individuals herein are set forth in sum and substance and in part.

#### THE INVESTIGATION

3. On or about October 11, 2011, your Affiant was investigating computers with New York IP addresses that were or had been sharing child pornography on the Internet. Your Affiant was looking for the offenders actively sharing child pornography within New York State. A Verizon Internet Services, Inc. account active in Brooklyn, NY subscribed to by TIMOTHY WAYNE, 164 Beach 122<sup>nd</sup> Street, Apt 2B, Rockaway Park, NY 11694 (the "Subject Premises") was identified as having been connected to the Internet sharing images related to child pornography.

4. Based on the findings of this investigation, on March 29, 2012, I and other law enforcement personnel executed a search warrant for the Subject Premises issued by the Honorable United States Magistrate Joan M. Azrack of the Eastern District of New York. Defendant TIMOTHY WAYNE was present in the Subject Premises at the time of the search and stated that he lived at the residence for approximately one year. Inside the residence, among the computer equipment and related items seized, law enforcement personnel discovered a Seagate External hard drive. The Seagate External hard drive was found in the office on top of the Black Compaq Computer Tower of the Subject Premises.

5. A preliminary search of the Seagate External hard drive revealed videos and images depicting child pornography. Examples of the videos, which are available for the Court's review, include the following:

- a. 2009 (Toddlergirl) Viola 4 Foxy 012 Stop Dont Stop.avi: This video is approximately three minutes. This video begins with a prepubescent female taking off her pants. The prepubescent female is spreading her legs apart while an adult's hand is inserting a sex toy into the prepubescent female's vagina. The prepubescent female takes the sex toy and inserts it into her vagina. The prepubescent female then turns over onto her stomach with her buttocks raised. The adult places the sex toy into the prepubescent female's buttock. A conversation can be heard during the video between the prepubescent female and a male.
- b. yoGirl-Man-Pedoland-Frifam-2010-9yo-SuziQ-Compil-Fucks-Pussy-On-Table-Vers2-Sound-Hq-11m52s.avi: This video is approximately eleven minutes and fifty-two seconds in length. It is a compilation video that depicts multiple prepubescent females engaged in numerous sexual acts with an adult male. These acts include oral sex, vaginal sex, digital penetration (both vaginal and anal), and penetration with sex toys. Throughout the video a conversation can be heard between a prepubescent female and an adult male.
- c. Pthc 2011 1st Studio 10yo Hd 93.wmv: This video is approximately twenty-five minutes and thirty-one seconds in length. A prepubescent female is sitting on a bed and taking her clothes off. The prepubescent female is rubbing her hands over her body. The prepubescent female then rubs her vagina. The prepubescent female spreads her vagina apart while the camera zooms in. The prepubescent female penetrates her vagina with a sex toy. The prepubescent female then penetrates her anus with the sex toy. The video ends with the camera zoomed in on the prepubescent female's vagina. Music can be heard throughout the video.

6. The first video described above, in paragraph 5(a), contains a video of a child who has been identified by the National Center for Missing and Exploited Children ("NCMEC"). According to the computer file system, the video file described in paragraph 5(a) above indicates that the file was created on January 19, 2012; the video file described in paragraph 5(b) above indicates that the file was created January 19, 2012; and the video file described in paragraph 5(c) above indicates that the file was created on January 19, 2012.

7. On March 29, 2012, during the execution of the search warrant at the Subject Premises, agents with HSI spoke with the defendant TIMOTHY WAYNE. The defendant TIMOTHY WAYNE admitted, in sum and substance, and in relevant part, that he has searched for and downloaded child pornography. TIMOTHY

WAYNE acknowledged that he knew that child pornography was illegal.

WHEREFORE, Your affiant respectfully requests that the Court issue an arrest warrant for the defendant TIMOTHY WAYNE so that he may be dealt with according to law.



ROBERT MANCENE  
Special Agent  
Homeland Security Investigations

Sworn to before me this  
19<sup>th</sup> day of April 2012

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